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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,846	03/16/2004	Satoshi Yamada	118832	1512
25944	7590	08/09/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			FABER, DAVID	
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			2178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,846

Applicant(s)

YAMADA ET AL.

Examiner

David Faber

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on 29 June 2006.
2. Claims 1-16 have been amended.
3. The rejection of Claims 1-7, 10-16 under 35 U.S.C. 112, second paragraph, has been withdrawn necessitated by the amendment. The rejection of Claims 1-3, 5-14, and 16 under 35 U.S.C. 101 has been withdrawn necessitated by the amendment. The rejection of Claims 1, 3-6, 10, and 14-16 under 35 U.S.C. 102(b) as being anticipated by "Microsoft Word", (Microsoft, "Microsoft Word 2000", 1999) has been withdrawn necessitated by the amendment. The rejection of Claims 2 and 11-12 under 35 U.S.C. 103(a) as being unpatentable over "Microsoft Word" in further view of Simske (US PGPub 2004/0133560, filed 1/7/2003) has been withdrawn necessitated by the amendment. The rejection of Claim 7 under 35 U.S.C. 103(a) as being unpatentable over "Microsoft Word" in further view of Sieber (US Patent 5,649,216, patented 7/15/1997) has been withdrawn necessitated by the amendment. The rejection of Claim 13 under 35 U.S.C. 103(a) as being unpatentable over "Microsoft Word" in further view of Simmons (US PGPub 20040003350, filed 6/28/2002) has been withdrawn necessitated by the amendment.
4. Claims 1-16 are pending. Claims 1, 3, 4, 5, 14, 15, and 16 are independent claims.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 8-9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 8 recites the limitation "greatest sum of layout likelihood" in line 11. Examiner is unsure if it's the same layout likelihood as in Claim 5, or a different layout likelihood. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 8 recites the limitation "the mean values of vertical and horizontal lengths of each layout element" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 8 recites the limitation "the sum of the layout likelihood of all cells" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 9 recites the limitation "the area ... of each layout element" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 9 recites the limitation "the aspect ratio of each layout element" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 9 recites the limitation "the mean values, ..., of vertical and horizontal lengths of each layout element". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1, 4-6, and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Christensen et al (US PGPub 2003/0121004, filed 11/21/2002).

As per independent claim 1, Christensen et al discloses a media comprising:

- A template production function that produces a layout template combining a plurality of layout samples, each of the plurality of layout samples including at least one layout element laid in a layout frame, the layout template having a layout position for the at least one layout element, and having a layout likelihood for an element-laying area that corresponds to a position of the least layout element in the layout samples combined to produce the layout template. (Based on the paragraph 0007 of Applicant's specification, a layout template is "one or more types of layout samples" wherein each layout samples includes "at least one or more layout elements laid in a layout frame." Thus, Christensen et al discloses the combination of each layouts to create a final output. FIG 9a-e; Paragraph 0129-0130 discloses each layout (Paragraph 0073) contains layout elements (Paragraph 0072) in a layout

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frame (e.g. L1 has R3, R2, L2 has R5, R7.) Thus, Paragraph 0138, FIG10a discloses a template which has layout 1 and layout 2 combined, wherein each layout contain layout elements in a layout frame. Furthermore, when the combined layout is created, the elements are positioned within the one of the layout samples or within an element-laying area of the layout samples, thus having a layout likelihood being position on the combined layout such shown in FIG 10a.

As per independent claim 4, Claim 4 recites similar limitations as in Claim 1 and is similar rejection under rationale. Furthermore, Christensen et al discloses:

- Selecting one of a plurality of layout samples (When combining two layouts, each layout was selected to be combined to create a new layout. (e.g. Paragraph 0085-0091)
- Determining the structure of each selected layout sample for each layout element (Paragraph 0081 discloses each layout points to a specific framework and contains a number of rendering numbers that points various in the framework. During the combine rule merging to combine layouts, the rule knows when two layouts point to the same framework, or do not point to the same framework, its able to determine the structure of each layout that includes the number of zones and elements with each layout. (Paragraph 0085-0090, 0098, 0111)

As per independent claim 5, Claim 5 recites similar limitations as in Claim 1 and is similar rejection under rationale. Furthermore, Christensen et al discloses:

- a function that determines the structure of a plurality of layout samples.
(Paragraph 0081 discloses each layout points to a specific framework and contains a number of rendering numbers that points various in the framework. During the combine rule merging to combine layouts, the rule knows when two layouts point to the same framework, or do not point to the same framework, its able to determine the structure of each layout that includes the number of zones and elements with each layout. (Paragraph 0085-0090, 0098, 0111)
- a layout function that generates a new layout having at least one new layout element in a template layout frame in accordance with the layout template produced by the template production function. (FIG 10a combined layout is the combination of Layouts 1 and L2 (FIG 9a, and 9b) wherein since combined layout is new, all the elements within each of the combined layout frames are consider new layout elements.)

As per dependent claim 6, since each element had the likelihood of being placed in the proper layout frame of one of the layout samples, the elements are place in the same position based on their likelihood in the new layout as their were as a separate layout. For example, R5 element was placed within frame F2z1 of layout 2. When combined with layout 1 to create combined layout 1, R5 kept the same the positioned

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within F2zi when both layouts were combined, thus contained the same likelihood.

(Paragraphs 0129-0138; FIGs 9a-10d)

As per independent Claim 15, Claim 15 recites similar limitations as in Claims 4 and 5 combined, and is similarly rejected under rationale.

As per independent Claim 16, Claim 16 recites similar limitations as in Claims 1, and is similarly rejected under rationale. Furthermore, Christensen et al discloses:

- The layout template is produced by combining a plurality of layout samples each including at least layout elements laid in a predetermined layout frame, (FIGs 9a-9e discloses a plurality of layouts with layout elements in a predetermined layout frame. Paragraph 0138 discloses the combining of the layouts. FIG 10a-10d discloses the result with elements laid out in predetermined layout frames)

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 3, and 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen et al (US PGPub 2003/0121004, filed 11/21/2002).

As per independent Claim 3, Claim 3 recites similar limitations of Claim 1, and is similarly rejected under rationale. Furthermore, Christensen et al fails to specifically disclose that a plurality of layout samples stored on the media. However, Christensen et al discloses that the invention using a content management system, which the invention provides one or more layouts (Paragraph 0010) It would have been obvious to one of ordinary skill in the art that Christensen et al invention uses a content management system that provides layouts that the layouts may be stored on the system in memory or in a database to provide easier access in one location, and reduces excessive processing time and resources for combing layout samples.

As per independent Claim 14, Claim 14 recites a program for performing the system of Claim 3 and 5 combined and is similarly rejected under rationale.

17. Claims 2, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen et al (US PGPub 2003/0121004, filed 11/21/2002) in further view of Simske (US PGPub 2004/0133560, filed 1/7/2003)

As per dependent Claims 2, 11, and 12, Microsoft Word fails to specifically disclose each of the plurality of elements having a significance weighting factor, the layout likelihood being a weighed layout likelihood corresponding to the significance weighting factors for the layout samples combined to produce the layout sample template. However, Simske disclosing using position and font information based on document layout, elements may be assigned a layout role weight. (Paragraph 0020-

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0022) In addition, Simske discloses a weight based on document. (Paragraph 0022, 0035)

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have combined Microsoft Word's software with Simske's method layout weight to provide the user the benefit of accurate document organization.

18. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen et al (US PGPub 2003/0121004, filed 11/21/2002) in further view of Sieber (US Patent 5,649,216, patented 7/15/1997)

As per dependent claim 7, Christensen et al fails to specifically disclose the layout device creates the new layout by laying the at least one new layout element in accordance with a priority assigned to the two element-laying areas. However, Sieber discloses the arranging of elements with constraints into a hierarchical arrangement in which some constraints have a higher priority than others and the higher priority are satisfied. (Column 7, lines 30-43; Claim 31) In other words, the elements with constraints with higher priority are laid or arranged first before others with lower priority.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Christensen et al's combining layouts method with Sieber's method of arranging elements based on priority since it would have provided the user the benefit of simplifying the design of documents which contain elements that is capable of capturing the complex relationship between these elements.

19. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen et al (US PGPub 2003/0121004, filed 11/21/2002) Castro (Castro, "HTML for the World Wide Web with XHTML and CSS: Visual QuickStart Guide, 5th Edition", copyright 2003, pp 157-174)

Examiner provides the printout "HTML for the World Wide Web with XHTML and CSS: Visual QuickStart Guide, 5th Edition" from PeachPit Online Bookstore as evidence disclosing the book's publishing date is Sept. 17, 2002.

As per dependent claim 10, Christensen et al discloses the at least one layout element is classified into image information with a part that is an image and into text information with a main part that is text. (R3 of Layout 1 is classified as graphics while R6 is classified as textual information) Furthermore, Christensen et al discloses textual information may be in HTML and displayed as HTML text, (Paragraph 00127, FIG 8e) indicating it is capable of reading HTML code where the data format may be HTML. (Paragraph 0039-0040.) In addition, the combined (new) layout is able to read the HTML text as shown in FIG 10b. However, Christensen et al fails to specifically disclose the template sets information indicating a font type and a font size of the text information and when the layout function lays the layout element of having text information in a particular element-laying area, the layout function determines a font type a font size of the layout element in accordance with information indicating a font type and a font size.

However, Castro discloses HTML format is capable setting the font type and font size of textual information to how it will look when it is displayed. It was well-known in

the art at the time of Applicant's invention that if HTML text can be displayed, the settings that set the text are determine, read, and applied to the text when the text is displayed using HTML. (p157-174) Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Christensen et al's combining layout method with Castro's disclosure of HTML using fonts since it would have provided the user the benefit of having the ability to set textual information with customizable options and choices on how the textual information would when displayed. Therefore, since Christensen et al method is able to read HTML, it would be able to indicate, and determine font settings within the HTML format

20. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen et al (US PGPub 2003/0121004, filed 11/21/2002) in further view of Simmons (US PGPub 20040003350, filed 6/28/2002)

As per dependent Claim 13, Christensen et al fails to specifically disclose when two layout elements that overlap each other, the template production function calculates the sums of the layout likelihood of the at least two layout elements provides, in the layout template, the calculated sums of the layout likelihood corresponding to the element-laying area. However, Simmons et al discloses when two elements laid out overlap each other or a collision occurs, performs calculations to the determine the shortest distance required to move the object to resolve the collision, and the object is moved in the direction of the shortest distance. Doing so calculates the layout likelihood

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preventing two elements from overlapping in the element-laying area (Paragraph 0009, 0039-0041, FIG 7, 8, 10).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Christensen et al's method of combining layouts with Simmons et al's method preventing overlapping since Simmons et al's method of solving the overlapping since it provided the method of resolving object collisions, or overlapping, resulting from document editing.

Allowable Subject Matter

21. Claims 8-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

22. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

In regards to the arguments addressed by the Applicant of claims 1-16 to the new limitations of Claims 1-16 brought forth in the amendment in regards of combining a plurality of layout samples, each layout samples with a layout element to produce a layout template has been viewed by the new grounds of rejection under Christensen et al and Castro.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bernardo et al (US Patent #6,684,369): Discloses using a bunch of templates to create a web site.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Faber
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